
UNITED STATES DISTRICT COURT

DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

V.

LISA M. LINDSAY

33 Ent Road

Hanscom AFB, MA 01731

AFFIDAVIT

CASE NUMBER: 04-1405-015

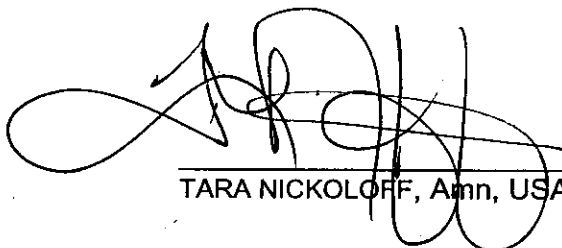
I, TARA NICKOLOFF, a Hanscom Air Force Base ("HAFB") Security Forces Officer, depose and say as follows:

1. I make this affidavit of my own personal knowledge, except where otherwise indicated.
2. In my capacity as an HAFB Security Forces Officer, I was dispatched to assist A1C Baker to investigate possible violations of 18 U.S.C. 13 (the Assimilated Crimes Act) and Mass. Gen. L. ch. 90, 24 (driving while under the influence of intoxicating liquor) by LISA M. LINDSAY on 07 May 2004. In so doing, I spoke to officers who interacted with LINDSAY on that date and interacted with LINDSAY and I reviewed the incident report that was filed. In so doing, I learned the following.
3. On 07 May 2004, at approximately 0027, Randy G. Baker, A1C, Security Forces Officer, observed a Brown Chevrolet Blazer swerving across the center yellow line of Barksdale Road. Baker continued to follow the vehicle onto Marrett Street, where he initiated a traffic stop adjacent to Bldg 1993/Youth Center at 0027. Baker made contact with the driver, identified her as LINDSAY, and noticed a strong odor of alcohol coming from the vehicle.
4. At approximately 0029, Roth was dispatched to Baker's location. Baker briefed Roth on the matter, and Roth made contact with LINDSAY. Roth asked LINDSAY if she had been drinking, to which she replied "yes." LINDSAY stated that she had had "a couple of drinks." Roth instructed LINDSAY to shut off the vehicle and step outside. LINDSAY stumbled as she stepped out of the vehicle and used the door for balance. LINDSAY used her left arm to steady herself as she walked the length of the vehicle to the sidewalk. Roth instructed LINDSAY that she was going to perform a series of tests, to which LINDSAY stated she was cold and wanted to do the tests indoors. At approximately 0037, I arrived and transported LINDSAY to the Law Enforcement Desk on Hanscom AFB.
5. At 0113 Roth administered the Field Sobriety Tests to LINDSAY. LINDSAY did not have any physical limitations that would prevent her from completing the Field Sobriety Tests. LINDSAY was placed in an interview room until Roth could administer the Field Sobriety Tests. The first test Roth conducted was the One Leg Stand. Roth observed that LINDSAY stopped counting at six and lost her balance, stating she could not finish the test. Roth concluded that she failed to complete the test. The second test that Roth conducted was the Walk and Turn Test. Roth observed that LINDSAY walked out four steps, stepped off the line, and lost her balance; stating that she could not do the test. The final test Roth conducted was the Horizontal Gaze


Nystagmus. Roth observed that there was a lack of smooth pursuit in both of LINDSAY's eyes, Nystagmus at maximum deviation, and onset prior to forty-five degrees.

6. LINDSAY signed the Implied Consent form and was transported at 0136 from Hanscom AFB to the Lincoln Police Department to administer a breath test. The result of the breath test administered at 0211 showed that the Breath Alcohol Content ("BrAC") of LINDSAY's breath was .189% BrAC.

7. Based on the foregoing, I have probable cause to believe that on 07 May 2004, LISA M. LINDSAY, while under the influence of intoxicating liquor, did operate a motor vehicle on a way to which the public has a right of access as invitees or licensees, in violation of Mass. Gen. L. ch. 90, 24(1)9a)(1) and 18 U.S.C. 13.


TARA NICKOLOFF, Ann, USAF

Subscribed and sworn to before me on the 14th day of July 2004, at Hanscom AFB, Massachusetts.


CHARLES B. SWARTZ
United States Magistrate
